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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 UNITED STATES OF AMERICA,)

14 Plaintiff,)

15 v.)

16 PATRICIA PINHEIRO,)

17 Defendant.)
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19
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No. CR 3 - 05 - 71011 EDL

[PROPOSED] SPEEDY TRIAL ORDER


21 WHEREAS, PATRICIA PINHEIRO ("Pinheiro") is charged in a criminal complaint with
22 violation of 18 U.S.C. § 371, in an action brought by the United States Postal Inspection
23 Service;

24 WHEREAS, Pinheiro made her initial appearance on the aforesaid criminal complaint,
25 before the Honorable Maria-Elena James, on February 13, 2006, and was released on a bond;

26 WHEREAS, the parties previously entered into a stipulation and order waiving time
27 under Rule 5.1 as well as excluding time under 18 U.S.C. § 3161 through March 31, 2006, in
28 order to provide for effective preparation of counsel and determine the availability of a

SPEEDY TRIAL ORDER
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1 disposition of the matter short of indictment and trial;

2 WHEREAS, the parties have discussed a resolution of the matter that would involve a
3 resolution short of indictment and trial;

4 WHEREAS, Pinheiro and her counsel of record along with counsel for the government
5 are continuing to work out such a disposition;

6 WHEREAS, the government is agreeable to delaying indictment in order to provide
7 Pinheiro and her attorney the opportunity to review discovery and prepare for discussions
8 regarding a resolution of the matter short of indictment and trial, and where, since arrest
9 preceded indictment in this matter, it is unreasonable to expect return and filing of the indictment
10 within the period specified in section 3161(b), and further where it is in the defendant's best
11 interest to waive time under both Rule 5.1 as well as section 3161 to allow time for a resolution
12 and disposition short of indictment for a further four (4) weeks, through Friday, April 28, 2006;

13 THEREFORE, the parties agree and stipulate as follows:

- 14 1. Pinheiro hereby again waives her right to have a preliminary hearing conducted
15 within 20 days of her initial appearance while out of custody, pursuant to Rule
16 5.1(c)-(d) of the Federal Rules of Criminal Procedure, taking into account the
17 public's interest in the prompt disposition of criminal cases and for good cause
18 shown;
- 19 2. Pinheiro hereby again waives her right to have all of the charges contained in the
20 criminal complaint on which she made her initial appearance on February 13,
21 2006, indicted within thirty days of her initial appearance, which including prior
22 exclusions of time, would be March 31, 2006, as required by 18 U.S.C. § 3161(b);
- 23 3. The government and Pinheiro hereby agree that any indictment by the
24 government, as to charges contained in the criminal complaint, must be filed no
25 later than **April 28, 2006**, pursuant to section 3161(h)(8)(B)(iii);
- 26 4. The government and Pinheiro hereby mutually agree that any preliminary hearing
27 and/or arraignment be held no later than **April 28, 2006**;

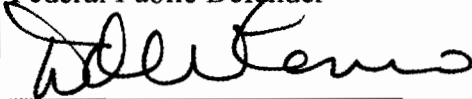
28 The undersigned parties, by and through their counsel, hereby agree and stipulate that

1 this waiver of time under Rule 5.1 of the Federal Rules of Criminal Procedure and section
 2 3161(b) of the Speedy Trial Act shall remain in place until April 28, 2006, because this is a case
 3 in which arrest preceded indictment, such that delay in the filing of the indictment is caused
 4 because the arrest occurred at time that is unreasonable to expect return and filing of the
 5 indictment as to all of the charges contained in the criminal complaint, within the period
 6 specified in section 3161(b), pursuant to 18 U.S.C. § 3161(h)(8)(B)(iii).

7 Moreover, in light of defense counsel's ongoing efforts to review discovery provided by
 8 the government and the parties' mutual efforts to resolve this matter short of the necessity for
 9 indictment and trial, such that good cause has been shown to continue the date for defendant's
 10 preliminary hearing taking into account the public's interest in the prompt disposition of criminal
 11 cases, pursuant to F. R. Cr. P. Rule 5.1(d), and further, because this waiver of time will ensure
 12 effective preparation of counsel taking into account the exercise of due diligence, such that the
 13 ends of justice are served by granting this continuance outweighs the best interest of the public
 14 and the defendant in a speedy trial, pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161 (h)(8)(B)(iv).

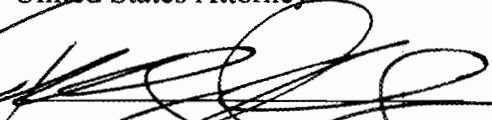
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 16 **IT IS SO STIPULATED.**

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 18 BARRY J. PORTMAN
 19 Federal Public Defender

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21 AFPD DAVID FERMINO
 22 for Defendant Patricia Pinheiro


KEVIN V. RYAN
 United States Attorney



TIMOTHY LUCEY
 Assistant United States Attorney

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 24 **IT IS SO ORDERED.**

25
 26 Dated 31 March 06


 27 HONORABLE BERNARD ZIMMERMAN
 28 United States Magistrate